

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**DANIEL RENTERIA-VILLEGAS, DAVID)
ERNESTO GUTIERREZ-TURCIOS, and)
ROSA LANDAVERDE,)
)
Plaintiffs,)
)
v.)
)
**METROPOLITAN GOVERNMENT OF)
NASHVILLE AND DAVIDSON COUNTY, and)
UNITED STATES IMMIGRATION AND)
CUSTOMS ENFORCEMENT,)
)
Defendants.)****

**No. 3:11-00218
Judge Sharp**

ORDER

For the reasons set forth in the accompanying Memorandum, the Court hereby enters the following rulings:

(1) Defendant United States Immigration and Custom Enforcement's Motion to Dismiss Counts II and III (Docket No. 54) is hereby GRANTED IN PART and DENIED IN PART. The Motion to Dismiss Count II is DENIED AT THIS TIME, but the Motion to Dismiss Plaintiffs' due process claim as to Immigration and Custom Enforcement, as set forth in Count III, is hereby GRANTED;

(2) Plaintiffs' Motion for Partial Summary Judgment Finding Defendants Liable Under Counts I and II (Docket No. 69) is hereby DENIED AT THIS TIME;

(3) Defendant Metropolitan Government of Nashville and Davidson County's Motion to Hold Plaintiffs' Motion for Partial Summary Judgment in Abeyance (Docket No. 72) is hereby DENIED AS MOOT;

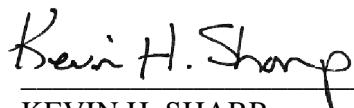
(4) Defendant Metropolitan Government of Nashville and Davidson County's Motion to Open Case for Necessary Discovery (Docket No. 75) is hereby DENIED AS MOOT; and

(5) The Court will certify to the Tennessee Supreme Court the question of whether the Memorandum of Agreement between Immigration and Customs Enforcement and the Metropolitan Government of Nashville and Davidson County violates the Nashville Metropolitan Charter.

The parties are hereby ORDERED to meet in person and confer in a good faith effort to compose a short set of stipulated facts listing the specific immigration enforcement duties that Davidson County Sheriff's Office personnel perform under the Memorandum of Agreement. Any such stipulation shall be filed with the Court within twenty (20) days of the date of entry of this Order. It is expected that the parties will be able to enter into a complete stipulation regarding all of the specific acts relating immigration enforcement duties under the Memorandum of Agreement. However, if the parties cannot reach a complete agreement, they shall, within twenty (20) days of the entry of this Order, submit a list of those duties upon which they agree, and those upon which they do not agree.

Upon certifying the question to the Tennessee Supreme Court, the Court will administratively stay this case until the Tennessee Supreme Court decides whether to answer the certified questions and/or renders an opinion on the certified question.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE